

09/407,182



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/407,182	09/29/99	SIEGEL	D 9596-43U1-(J)
			EXAMINER
HM12/0925			
MORGAN, LEWIS & BOCKIUS, L.L.P. 1701 MARKET STREET PHILADELPHIA PA 19103			BUREAU OF ARTS, R. PAPER NUMBER 1648 6 DATE MAILED: 09/25/01

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire One (1) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 10-23 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 10-23 are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

The status of the related application(s) cited at the first page of the specification should be updated, if necessary, to ensure a properly completed file record.

5           Restriction to one of the following inventions is required  
under 35 U.S.C. § 121:

- I.   Claims 10-19, drawn to methods of detecting cell agglutination, classified in Class 435, subclass 5.
- 10   II.   Claims 20-21, drawn to methods of capturing cells, classified in Class 435, subclass 325.
- III.   Claims 22-23, drawn to methods of detecting capturing of cells, classified in Class 435, subclass 5.

15           The inventions are distinct, each from the other because of  
the following reasons:

          The methods of Groups I-III each differ one from another in method steps, reagents, and utility and are novel and unobvious in view of each other. Therefore, the inventions of Groups I-III are patentably distinct.

20           Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter, and because the searches for the individual Groups are not coextensive, restriction for examination purposes as indicated is proper.

25           Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed. (37 C.F.R. 1.143).

Papers relating to this application may be submitted to Group

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1600 by facsimile transmission. The Fax number is (703) 308-4242. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

5 Any inquiry concerning this communication or earlier  
communications from the Examiner should be directed to Robert D.  
Budens at (703) 308-2960. The Examiner can normally be reached  
Monday-Thursday from 6:30 AM-4:00 PM, (EST). The Examiner can also  
10 be reached on alternate Fridays. If attempts to reach the Examiner  
by telephone are unsuccessful, the Examiner's supervisor, James  
Housel, can be reached at (703) 308-4027.

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist at  
(703) 308-0196.



Robert D. Budens  
Primary Examiner  
Art Unit 1648

15 rdb  
September 24, 2001